

1 Gordon Lewis, Bar #015162
2 Stephanie D. Baldwin, Bar #036897
3 JONES, SKELTON & HOCHULI P.L.C.
4 40 N. Central Avenue, Suite 2700
5 Phoenix, Arizona 85004
Telephone: (602) 263-4479
Fax: (602) 200-7897
glewis@jshfirm.com
sbaldwin@jshfirm.com

6 Attorneys for Defendants Chiricahua
7 Community Health Centers, Inc., Jon Melk
and Darlene Melk

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

ADAM BRAKE, an individual ,

No.

Plaintiff,

NOTICE OF REMOVAL

V.

CHIRICAHUA COMMUNITY HEALTH CENTERS, INC., an Arizona nonprofit corporation, and JON MELK, an individual, and, DARLENE MELK, husband and wife,

Defendants/Counterclaimants.

Defendant Chiricahua Community Health Centers, INC., Jonathan Melk, and Darlene Melk, (“Defendants”), by and through undersigned counsel, and pursuant to 28 U.S.C. § 1331, 1441, and 1446, hereby gives notice of the removal of the above-captioned case, Cochise County Superior Court Case No. CV202305321, from the Superior Court of the State of Arizona, County of Cochise, to this Court and in support thereof asserts:

1. On or about May 17, 2024, Plaintiff filed his First Amended Complaint against Defendant in the Superior Court of Arizona in and for the County of Cochise, under the caption *Adam Brake v. CHIRICAHUA COMMUNITY HEALTH CENTERS, INC., an Arizona nonprofit corporation; and, JONATHAN MELK and DARLENE MELK, husband and wife*, S0200CV202300580. A copy of that Complaint is attached

1 hereto as **Exhibit A**. Defendant received formal notice of this pleading
2 on May 17, 2024, when Plaintiff completed service of process on
3 Defendant.

4 2. The United States Federal District Courts have original jurisdiction over
5 all civil actions arising under the laws of the United States pursuant to 28
6 U.S.C. § 1331.

7 3. This action may be removed pursuant to 28 U.S.C. § 1331 because the
8 Amended Complaint alleges Racketeering based on alleged violations of
9 an Unlawful Act – Attempt to Evade or Defeat tax (26 U.S.C. §7201),
10 Major Fraud Against the United States (18 U.S.C. §1031), and Taxes on
11 excess benefit transactions (26 U.S.C. § 4958), and thus on information
12 and belief alleges Racketeering under 18 U.S.C. §1962. [See **Exhibit A**,
13 Plaintiff's First Amended Complaint, Count Four - Racketeering].

14 4. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because
15 the District of Arizona embraces Cochise County, Arizona, the place
16 where the Superior Court action was filed.

17 5. This Notice of Removal is being filed within thirty (30) days of receiving
18 formal notice of the Complaint, and is therefore timely filed under 28
19 U.S.C. § 1446(b).

20 6. Copies of all pleadings currently on file with Cochise County Superior
21 Court are attached as **Exhibit B** to this Notice.

22 7. A Notice of Filing Notice of Removal, a true and correct copy of which
23 is attached as **Exhibit C** (without exhibits attached) has been filed in the
24 Arizona Superior Court, County of Cochise, on behalf of Defendant.

25
26 Based on the foregoing, Defendant respectfully requests that the above action
27 now pending in Arizona Superior Court, Cochise County, be removed to this Court.
28

1
DATED this 17th day of June, 2024.
2
3

4
5 JONES, SKELTON & HOCHULI, P.L.C.
6
7

8 By /s/ Stephanie D. Baldwin
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10 Gordon Lewis
11 Stephanie D. Baldwin
12 40 N. Central Avenue, Suite 2700
13 Phoenix, Arizona 85004
14 Attorneys for Defendants Chiricahua
15 Community Health Centers, Inc., Jon Melk
16 and Darlene Melk
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2024, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court's CM/ECF system.

Timothy Coons, Esq.
Aaron S. Ludwig
COUNXEL
2222 S. Dobson Rd., Suite 1104
Mesa, Arizona 85202
TCoons@counxel.com
ALudwig@counxel.com
Attorneys for Plaintiff

/s/ Gail Hardin